

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LUCIO CELLI,

15-cv-3679 (JG)(LB)

Plaintiff,

**NOTICE OF MOTION TO
WITHDRAW AS COUNSEL
OF RECORD FOR PLAINTIFF**

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,
ANNE BERNARD, in her Official and Individual Capacity,
RICHARD COLE, in his Official and Individual Capacity, and
GRISMALDY LABOY-WILSON, in her Official and
Individual Capacity,

,

Defendant.
-----X

PLEASE TAKE NOTICE, that upon the Sworn Declaration of Jonathan A. Tand, Jonathan A. Tand and Associates, P.C., counsel of record for Plaintiff Renata Conte, will move this Court before the Honorable Judge Lois Bloom, at the United States Courthouse, Eastern District of New York, 225 Cadman Plaza, Brooklyn NY 11201, for an Order granting Jonathan A. Tand and Associates, P.C.'s application to withdraw as counsel for Plaintiff in this case.

Respectfully Submitted,

Dated: Garden City, NY
May 26, 2016



Jonathan Tand, Esq.
Jonathan A. Tand and Associates, P.C.
990 Stewart Ave., Suite 130
Garden City, NY 11530
P: (516) 393-9151
F: (516) 467-1361

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LUCIO CELLI,

No. 15-cv-3679 (JG)(LB)

Plaintiff,

-against-

**SWORN DECLARATION OF
JONATHAN A. TAND IN SUPPORT
OF MOTION TO WITHDRAW
AS COUNSEL FOR PLAINTIFF**

NEW YORK CITY DEPARTMENT OF EDUCATION,
ANNE BERNARD, in her Official and Individual Capacity,
RICHARD COLE, in his Official and Individual Capacity, and
GRISMALDY LABOY-WILSON, in her Official and
Individual Capacity,

Defendant.
-----X

I, JONATHAN A. TAND, declare the following to be true under penalty of perjury:

1. I am a member of Jonathan A. Tand and Associates, P.C., attorneys of record for Plaintiff LUCIO CELLI in the above matter, and I submit this Declaration in accordance with Local Rule 1.4, in Support of our Motion to Withdraw my firm as counsel of record in this case.
2. Plaintiff LUCIO CELLI retained the services of my firm on April 27, 2016. Prior to retaining the services of my firm, Plaintiff had retained the services of the Law Offices of Steven A. Morelli. At this time, no retainer money was taken from Mr. Celli by Jonathan A. Tand & Associates P.C., nor at any time has Jonathan A. Tand & Associates, P.C. taken any money from Mr. Celli.
3. Prior to retaining this firm, Mr. Celli had expressed discontent with his originally filed complaint which was filed by the Law Offices of Steven A. Morelli, the firm

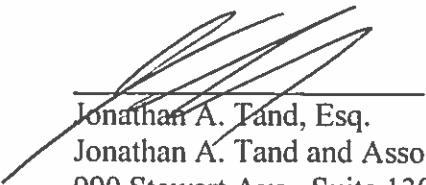
originally retained by Mr. Celli

4. On April 25th, 2016 the undersigned appeared before this court with Mr. Celli present, where both the undersigned and Mr. Celli informed the court that Mr. Celli had decided to retain this firm as his attorneys going forward on this matter.
5. As per court instructions, a consent to change attorney form signed by Mr. Celli was filed with this court Court for this matter prior to April 28, 2016.
6. Subsequently, the undersigned and his staff met with Mr. Celli to discuss amending his complaint. The complaint was reviewed in its entirety and various changes were proposed to Mr. Celli. A draft was then sent to Mr. Celli. Based on subsequent communications, the firm believed in good faith that Mr. Celli approved of the amended complaint prepared by this firm. This complaint was sent to opposing counsel for their review as per the court's instructions.
7. On May 17, 2016 the undersigned appeared on a conference call with the Court and the Defendant, during which the undersigned became aware for the first time that Mr. Celli had submitted a separate amended complaint without informing this law firm of his intentions. The court rejected Mr. Celli's complaint and accepted the one provided by the undersigned.
8. After informing Mr. Celli of what transpired at the phone conference, Mr. Celli became irate and began sending this firm numerous profanity laced emails accusing this firm of conspiring with individuals who have no relationship with this firm, making various threats against the undersigned, and also publicly lashing out at the undersigned and the firm for perceived transgressions. Mr. Celli then insisted this firm withdraw from representing him. When the

undersigned did speak to Mr. Celli, he again became irate and engaged in profanity laced rants against the undersigned. Mr Celli then proceeded to continue to lash out against the undersigned and the firm via unfounded accusations made to numerous public figures, and profanity laced threats sent to the undersigned directly.

9. Mr. Celli has made it abundantly clear he has no desire to accept advice from counsel or cooperate in our representation of him. Furthermore Mr. Celli clearly intends to undermine our representation of him at every chance.
10. At this point, under the circumstances, there is simply no conceivable way that our firm can continue its representation of Plaintiff.
11. Accordingly, I respectfully request Your Honor grant the instant Motion to Withdraw as Counsel and terminate my firm's appearance on the docket. A copy of the Proposed Order is attached hereto as "Exhibit A."
12. At this time, Mr. Celli has not indicated whether he intends to retain separate counsel or proceed pro se. As such, I would request that there be a stay on further proceedings so that Plaintiff may have time to retain new counsel

Dated: Garden City, NY
May 26, 2016



Jonathan A. Tand, Esq.
Jonathan A. Tand and Associates, P.C.
990 Stewart Ave., Suite 130
Garden City, NY 11530
P: (516) 393-9151
F: (516) 467-1361